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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,896	06/24/2003	Andrew Mahoney	58756 (47904)	2195
21874	7590	11/09/2005		
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205			EXAMINER GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/602,896	Applicant(s) MAHONEY ET AL.	
	Examiner Matthew S. Gart	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by

Boyden (Patent Application Publication No. 2003/0036964 A1).

Referring to claim 1. Boyden discloses a method for the resale of vehicles comprising the steps of:

- Storing data corresponding to a schedule of auctions for resale of vehicles in a system server (at least Boyden: FIG 2I);
- Providing access to said system server by way of a web site (Boyden: FIG 2I);
- Allowing a user to access said system server to consign a vehicle to said auction (at least Boyden: FIG 1, “104”); and
- Notifying said auction of said vehicle consigned to said auction at said web site (at least Boyden: FIG 2J, Vehicles Awaiting Release”).

Referring to claim 2. Boyden further discloses a method comprising the step of

- Inputting vehicle information about said vehicle (at least Boyden: FIG 2C, FIG 2D and FIG 2E);

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- Said system server determining an adjusted floor price for said vehicle based upon said vehicle information (at least Boyden: paragraph 0044, "The valuation section **317** can be generated each time that the buyer system sends a request to the auction server system for the detail page **300c**. This embodiment provides the most recent valuation data each time the buyer views the vehicle."); and
- Transmitting said adjusted floor price to said auction (at least Boyden: paragraph 0044).

Referring to claim 3. Boyden further discloses a method wherein said vehicle information includes a vehicle identifier (at least Boyden: FIG 3D) corresponding to the vehicle to be consigned and further comprising the steps of:

- Said server utilizing said vehicle identifier to gather vehicle information regarding said vehicle at time of manufacture (at least Boyden: FIG 2A);
- Said server prompting said user to add status information corresponding to changes in status of said vehicle since manufacture of said vehicle (at least Boyden: FIG 2D and FIG 2E);
- Calculating an adjusted floor price for said vehicle at auction based upon said vehicle information and said change in status information (at least Boyden: paragraph 0044);
- Forwarding said adjusted floor price to said auction when submitting consignment of said vehicle (at least Boyden: paragraph 0044).

Referring to claim 4. Boyden further discloses a method wherein said vehicle identifier is a Vehicle Identification Number (at least Boyden: FIG 3D).

Referring to claim 5. Boyden further discloses a method further comprising the step of mapping said Vehicle Identification Number to a Universal Vehicle Code to obtain the vehicle information (at least Boyden: FIG 3D).

Referring to claim 6. Boyden further discloses a method wherein said status information includes a vehicle mileage (at least Boyden: FIG 3D, "320").

Referring to claim 7. Boyden further discloses a method wherein said status information includes a repair history of the vehicle (at least Boyden: FIG 3E).

Referring to claim 8. Boyden further discloses a method wherein said status information includes upgraded information corresponding to accessories added to the vehicle since manufacture (at least Boyden: FIG 3D, "Equipment").

Referring to claim 9. Boyden further discloses a method comprising the step of notifying a transportation facility for transporting said consigned vehicle to said selected auction in response to receipt of the submission of consignment of the vehicle at the web site (at least Boyden: paragraph 0047).

Referring to claim 10. Boyden further discloses a method comprising the step of auctioning the vehicle (at least Boyden: FIG 1).

Referring to claim 11. Boyden further discloses a method comprising the step of said auction providing an auction result to said server and said server storing said auction result and providing access to said auction result by displaying a results report at said web site (at least Boyden: FIG 2I).

Referring to claim 12. Boyden further discloses a method wherein said server calculates said minimum value utilizing black book data (at least Boyden: FIG 3D).

Referring to claim 13. Boyden further discloses a method wherein said black book data is obtained by said server from a third party data source (at least Boyden: FIG 3D).

Referring to claim 14. Boyden further discloses a method wherein said auction data is periodically updated (at least Boyden: paragraph 0044).

Referring to claim 15. Boyden further discloses a method wherein said black book data is periodically updated (at least Boyden: FIG 3D, "Central May-June 2000").

Referring to claim 16. Boyden further discloses a method wherein said results includes the price at which the consigned vehicle was sold (at least Boyden: FIG 2I).

Referring to claim 17. Boyden further discloses a method comprising the step of providing access to a dealer report at said web site (at least Boyden: FIG 2I).

Referring to claim 18. Boyden further discloses a method comprising the step of producing a dealer result report wherein said dealer result report provides vehicle information and auction results for each vehicle consigned by said dealer (at least Boyden: FIG 2I).

Referring to claims 19-25. Claims 19-25 are rejected under the same rationale as set forth above in claims 1-18.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abhyanker, Patent Application Publication No. 2002/0133416 A1, September 19, 2002, discloses a reverse logistics method for recapturing value of used goods over internet exchange portals.

Thompson et al., Patent Application Publication No. 2003/0130966 A1, July 10, 2003, discloses a vehicle management, appraisal and auction system.

Grove et al., Patent Application Publication No. 2005/0015308 A1, January 20, 2005, discloses a method and system to adjust a seller fixed price offer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Patent Examiner
November 6, 2005